THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3526 of 2007

Date: 01.03.2007

Between:

B.Sreeramulu

....Petitioner

and

The Eastern Power Distribution Company
of A.P. Ltd., and others.

....Respondents

O R D E R:

The father of the petitioner, by name B.Rama Swamy is the registered owner of the house bearing door No.5-12-18 situated at Tunglam, Gajuwaka, Visakhapatnam. It was extended the power supply through service connection No.T1.463. Rama Swamy held another property in door No.15-3-2 in the same locality and it was extended the power supply through service connection No.504/878. Rama Swamy is said to have died on 22.04.1999. A dispute exists as to the payment of arrears in respect of service connection No.504/878. The lessee of the property is said to have filed a writ petition before this Court being W.P.No.2187 of 2006. The second respondent addressed a letter, dated 30.01.2007, to the petitioner requiring him to pay a sum of Rs.46,429/- in connection with service connection No.504/878 with the threat of disconnection. It is stated that yesterday, the power supply to the premises in door No.5-12-18 was disconnected on the ground that arrears of charges payable in respect of the other premises have not been cleared. The petitioner is said to have deposited a sum of Rs.20,000/- and that the power supply was restored. The petitioner seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is true that under the Terms and Conditions of the Supply, the respondents are entitled to disconnect the power supply of a

consumer, in case arrears in respect of one of the connections are due. In respect of both the connections referred to above, the father of the petitioner is the consumer. The dispute as regards the arrears in respect of service connection No.504/878 is pending before this Court. Further, the period of limitation assumes significance. Under Section 56 of the Electricity Act, 2003, arrears cannot be recovered beyond a period of two years. These aspects could have been examined, if only the petitioner was given an opportunity.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents shall disclose the nature of arrears payable by the petitioner, the period to which they relate and enable him to file a reply thereto. The further action would depend upon the orders that may be passed after considering the case of the petitioner. Till such time, the power supply of the petitioner to service connection No.504/878 shall not be disconnected as long as the current consumption charges are paid. There shall be no order as to costs.

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01.03.2007

Note: Issue operative portion
by wire at party's costs.
(B/o)
kdl